

HSU



PATENT  
Customer No. 22,852  
Attorney Docket No. 8842.0002

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
)  
Tsu-an HSU *et al.* ) Group Art Unit: 1636  
)  
Application No.: 10/614,283 )  
) Examiner: T. Garvey  
Filed: July 8, 2003 )  
)  
For: INTERNAL RIBOSOME ENTRY ) Confirmation No. 2562  
SITES FOR RECOMBINANT )  
PROTEIN EXPRESSION )

**MAIL STOP AMENDMENT**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

Sir:

**RESPONSE TO RESTRICTION REQUIREMENT**

In response to the Office Action mailed July 22, 2005, Applicants submit the following remarks. This response is due by August 22, 2005, and is timely filed.

According to the Examiner, pending claims 1-41 include six distinct inventions:

Group I. Claims 1-18, 21-24, 26-30 and 32, drawn to a nucleic acid vector, biological vector, recombinant baculovirus for the expression of at least two cistron and cells containing the vectors and virus, classified in class 435, subclass 320.1, class 514, subclass 44, class 435, subclasses 325 and 252.3;

Group II. Claims 19-20, drawn to method for expressing at least two cistrons, classified in class 435, subclasses 440, 455 and 471;

Group III. Claims 25 and 31, drawn to a method of producing recombinant baculovirus capable of expressing two cistrons, classified in class 435, subclass 456;

Group IV. Claims 33-36, drawn to a kit for recombinant protein expression in bacteria, classified in class 435, subclass 320.1;

Group V. Claims 37-40, drawn to method of treating a patient by administering a nucleic acid or biological vector, classified in class 514, subclass 44; and

Group VI. Claim 41, drawn to a method of screening for an anti-viral compound, classified in class 435, subclass 6.

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Applicants respectfully traverse the Office's restriction requirement. To be fully responsive, however, Applicants elect Group I, claims 1-18, 21-24, 26-30 and 32, drawn to a nucleic acid vector, biological vector, recombinant baculovirus for the expression of at least two cistron and cells containing the vectors and virus.

Restriction is proper only when two criteria are met. First, the inventions must be independent or distinct as claimed. Second, there must be a serious burden on the Examiner. "If the search and examination of the entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." M.P.E.P. § 803. The Examiner has not shown that these criteria are met. In particular, there would not be a serious burden on the Examiner to examine all of the pending claims because the search for the

expression vector of group I will significantly, if not completely, overlap with a search of the other groups.

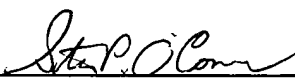
In view of the election of product claims, Applicants also respectfully request that the Office rejoin and fully examine all method claims which depend from or otherwise include all limitations found in allowable product claims, as required by rejoinder practice under M.P.E.P. § 821.04.

Please grant any extensions of time required to enter this response, and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: August 18, 2005

By:   
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